



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 5, 2022

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2202
New York, NY 10007

Re: *State of New York et al. v. Granholm et al.*, 20 Civ. 9362 (JMF)

Dear Judge Furman:

This Office represents the U.S. Department of Energy and Jennifer Granholm, in her official capacity as the Secretary of the U.S. Department of Energy (“DOE” or “the Government”). The complaint filed by Plaintiffs States of New York, California, Colorado, Connecticut, Illinois, Maine, Maryland, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Vermont, and Washington; the Commonwealths of Massachusetts and Pennsylvania; the People of the State of Michigan; the District of Columbia; and the City of New York (“Plaintiffs,” and collectively with the Government, the “Parties”) alleges that DOE missed deadlines under the Energy Policy and Conservation Act for reviewing and revising energy conservation standards for consumer and commercial products.

The Parties submit this joint status report pursuant to the Court’s March 23, 2021 order staying this litigation in light of the Parties’ intention to engage in settlement discussions. *See* ECF No. 33, at 1. Since the Parties’ last status update on April 18, the Parties circulated a proposed consent decree to Plaintiff-Intervenors Association of Home Appliance Manufacturers and Air-Conditioning, Heating & Refrigeration Institute, as required by the stipulation and order regarding intervention. *See* Dkt. No. 53. Counsel for the Plaintiff-Intervenors anticipates providing feedback for the Parties’ consideration by May 16, 2022, after which the Parties expect to finalize the proposed consent decree and to seek formal approval from their principals to finalize and execute the proposed consent decree for submission to the Court. The Parties therefore respectfully request that the stay this Court ordered on March 23, 2021, remain in place, in order to allow them to continue devoting resources to completing settlement discussions instead of litigation. The Parties propose submitting their next joint status update no later than June 21, 2022.

The Government is simultaneously filing with the Court a status report in *Natural Resources Defense Council et al. v. Granholm et al.*, No. 20 Civ. 9127 (AJN), jointly with the plaintiffs in that case.

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Thank you for your consideration of this matter.

Respectfully submitted,

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